
HOUSE BILL No. 1208

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-6.1.

Synopsis: Removal of teachers for felony offenses. Requires the revocation of the license of a teacher who is convicted after June 30, 2003, of a Class A, Class B, or Class C felony. Requires the denial of a teacher's license or certificate to an applicant who is convicted after June 30, 2003, of a Class A, Class B, or Class C felony. Authorizes the cancellation of the contract of a teacher who is convicted after June 30, 2003, of a Class A, Class B, or Class C felony.

Effective: July 1, 2003.

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January 8, 2003, read first time and referred to Committee on Education.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1208

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-6.1-3-7, AS AMENDED BY P.L.37-2000,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 7. (a) On the written recommendation of the state
4 superintendent, the board may revoke a license for:

- 5 (1) immorality;
- 6 (2) misconduct in office;
- 7 (3) incompetency; or
- 8 (4) willful neglect of duty.

9 However, for each revocation the board shall comply with IC 4-21.5-3.

10 (b) The superintendent of a school corporation or equivalent
11 authority for an accredited nonpublic school shall immediately notify
12 the state superintendent when the person knows that a current or former
13 licensed employee of the school corporation or accredited nonpublic
14 school has been convicted:

- 15 (1) of an offense listed in subsection (c); or
- 16 (2) **after June 30, 2003, of an offense listed in subsection (d).**

17 (c) The board, after holding a hearing on the matter, shall



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permanently revoke the license of a person who is known by the board to have been convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
- (2) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor (IC 35-42-4-9).
- (9) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

(d) **The board, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the board to have been convicted after June 30, 2003, of any of the following:**

- (1) **A Class A felony.**
- (2) **A Class B felony.**
- (3) **A Class C felony.**
- (4) **An offense that would have been a Class A felony, a Class B felony, or a Class C felony if the offense had been committed in Indiana.**

(e) A license may be suspended by the state superintendent as specified in IC 20-6.1-4-13.

SECTION 2. IC 20-6.1-3-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7.1. (a) As used in this section, "applicant" refers to an applicant for:

- (1) a new license;
- (2) a renewal license; or
- (3) a substitute teacher certificate;

issued by the board.

(b) As used in this section, "limited criminal history" has the meaning set forth in IC 5-2-5-1(1).

(c) As used in this section, "disposition" has the meaning set forth in ~~IC 5-2-5-1(6)~~; **IC 5-2-5-1(9)**.

(d) An applicant must do the following:

- (1) Submit a request to the Indiana central repository for limited criminal history information under IC 5-2-5.
- (2) Obtain a copy of the limited criminal history for the applicant from the repository's records.

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(3) Submit to the board the limited criminal history for the applicant.

(4) Submit to the board a document verifying a disposition that does not appear on the limited criminal history for the applicant.

(e) The board:

(1) may deny the issuance of a license or certificate to an applicant who is convicted of an offense for which the individual's license may be revoked or suspended under this chapter; **and**

(2) shall deny the issuance of a license or certificate to an applicant who is convicted after June 30, 2003, of an offense that is listed in section 7(d) of this chapter.

(f) The board must use the information obtained under this section in accordance with IC 5-2-5-6.

(g) An applicant is responsible for all costs associated with meeting the requirements of this section.

SECTION 3. IC 20-6.1-4-10, AS AMENDED BY P.L.228-2001, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) An indefinite contract with a permanent teacher may be canceled in the manner specified in section 11 of this chapter for only the following grounds:

(1) Immorality.

(2) Insubordination, which means a willful refusal to obey the state school laws or reasonable rules prescribed for the government of the school corporation.

(3) Neglect of duty.

(4) Incompetency.

(5) Justifiable decrease in the number of teaching positions.

(6) A conviction for:

(A) rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age;

(B) criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age;

(C) child molesting (IC 35-42-4-3);

(D) child exploitation (IC 35-42-4-4(b));

(E) vicarious sexual gratification (IC 35-42-4-5);

(F) child solicitation (IC 35-42-4-6);

(G) child seduction (IC 35-42-4-7);

(H) sexual misconduct with a minor as a Class A or **Class B** felony (IC 35-42-4-9); or

(I) incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age. ~~or~~

(7) Other good and just cause.



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(8) A conviction after June 30, 2003, of an offense listed in IC 20-6.1-3-7(d).

When the cause of cancellation is ground (1), (2), ~~or~~ (6), **or (8)**, the cancellation is effective immediately. When the cause of cancellation is ground (3), (4), (5), or (7), the cancellation is effective at the end of the school term following the cancellation.

(b) An indefinite contract may not be canceled for political or personal reasons.

SECTION 4. IC 20-6.1-4-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10.5. (a) An indefinite contract with a semipermanent teacher may be canceled in the manner specified in section 11 of this chapter only for the following grounds:

- (1) Immorality.
- (2) Insubordination, which means a willful refusal to obey the state school laws or reasonable rules prescribed for the government of the school corporation.
- (3) Neglect of duty.
- (4) Substantial inability to perform teaching duties.
- (5) Justifiable decrease in the number of teaching positions.
- (6) Good and just cause.
- (7) The cancellation is in the best interest of the school corporation.
- (8) A conviction for:
 - (A) rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age;
 - (B) criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age;
 - (C) child molesting (IC 35-42-4-3);
 - (D) child exploitation (IC 35-42-4-4(b));
 - (E) vicarious sexual gratification (IC 35-42-4-5);
 - (F) child solicitation (IC 35-42-4-6);
 - (G) child seduction (IC 35-42-4-7); or
 - (H) incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

(9) A conviction after June 30, 2003, of an offense listed in IC 20-6.1-3-7(d).

(b) An indefinite contract with a semipermanent teacher may not be canceled for political or personal reasons.

(c) Before the cancellation of a semipermanent teacher's indefinite contract, the principal of the school at which the teacher teaches shall provide the teacher with a written evaluation of the teacher's performance before January 1 of each year. Upon the request of a

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- 1 semipermanent teacher, delivered in writing to the principal within
- 2 thirty (30) days after the teacher receives the evaluation required by
- 3 this section, the principal shall provide the teacher with an additional
- 4 written evaluation.

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